

Notice of Allowability

Application No.

10/670,711

Examiner

Blanche Wong

Applicant(s)

BARKER ET AL.

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment dated August 16, 2007.
2. ☒ The allowed claim(s) is/are 1,3,4,15,16,18,19,27 (renumbered 1-8).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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1. **Claims 1,3,4,15,16,18,19,27** are allowed.
2. The following is a statement of reasons for the indication of allowable subject matter:

With regard to claims 1 and 16, the prior art of record fails to anticipate or make obvious "... polling each of the plurality of ports in the physical layer interface in the second clock domain to determine polling results indicating available ports which may receive data; sending the polling results to the first clock domain; ... wherein sending the polling results to the first clock domain includes sending the polling results to the first clock domain after a predetermined portion of a previous data transmission from the transmit buffer in the first clock domain to the selected port in the physical layer interface in the second clock domain is complete."

Levy (Pub No. US 2004/0088469) discloses all the limitations of claim 1 except "wherein sending the polling results to the first clock domain includes sending the polling results to the first clock domain after a predetermined portion of a previous data transmission from the transmit buffer in the first clock domain to the selected port in the physical layer interface in the second clock domain is complete." Arguably, it is inherent that data transmission resumes after a portion of a previous data is transmitted and freed up space in the transmit buffer. However, an analogous prior art has to show a predetermined portion of a previous data transmission from a first clock domain to a second clock domain has to be completed in order to modify Levy to teach the invention as recited in claim 1.

With regard to claim 15, the prior art of record fails to anticipate or make obvious "a second physical layer interface, in a third clock domain, coupled to the second asynchronous buffer". Fischer discloses multiple clock domains. However, Fischer does not teach a second physical layer interface coupled to a second asynchronous buffer. Arguably, even if a second set of physical layer interface and asynchronous buffer are disclosed in Fischer, Fischer does not teach a second physical layer interface coupled to a second asynchronous buffer in a third clock domain.

Kauschke et al. (Pub No. US2005/0013250 A1) discloses a first and second data transmission rate, but Kauschke does not teach "a second physical layer interface, in a third clock domain, coupled to the second asynchronous buffer".

With regard to claim 27, the prior art of record fails to anticipate or make obvious "... wherein the select logic is further adapted to: transmit data for the selected port from the transmit buffer to the asynchronous buffer; transmit the data from the asynchronous buffer to an internal buffer of a physical layer device included in the physical layer interface, the physical layer device including the selected port; and transmit the data from the internal buffer of the physical layer device to the selected port, wherein the control logic is further adapted to reset polling results after a predetermined portion of a data transmission from the asynchronous buffer to the selected port in the physical layer interface is completed."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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August 30, 2007

EDAN D. ORGAD
SUPERVISORY PATENT EXAMINER

Edan Orgad 9/14/07